

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
OCTOBER 11, 2004**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, October 11, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Paul Gilmer, Portia Shipman, Peter Kauber, Brian Byrd, J.D. Haynes and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Also present were Blair Carr, Esq., City Attorney's Office and Carrie Reeves represented Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting.

APPROVAL OF MINUTES OF SEPTEMBER 13, 2004 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the September 13, 2004 meeting as written, seconded by Mr. Kauber. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Chair Wolf said the Commission had two withdrawal requests. There was a written request from the applicant for withdrawal of Item E, property on Foust Road.

Mr. Byrd moved that Item E, a rezoning request by Larry Cassell, be withdrawn, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Chair Wolf said staff had requested that Item G be withdrawn.

Mr. Ruska said Item G was a Utility Agreement and Annexation Petition and the property owner wishes to add property to this and bring it in as a requested original zoning at a later public hearing.

Mr. Byrd moved that Item G be withdrawn, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – RS-5 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITION: 1) USES: SINGLE FAMILY DETACHED RESIDENTIAL AND ACCESSORY USES ONLY - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF MCKNIGHT MILL ROAD OPPOSITE THE INTERSECTION WITH BRIARMEADE ROAD, SOUTH OF THE PROPOSED GREENSBORO URBAN LOOP, AND EAST OF US 29 NORTH – FOR**

DAVID H. AND MARYLENE F. GRIFFIN AND BUILDERS LAND, INC.
(FAVORABLE
RECOMMENDATION)

Chair Wolf said Mr. Byrd had advised that his law firm represented the prospective purchaser and he needed to be recused.

Mr. Gilmer moved that Mr. Byrd be recused from discussion or voting in this request, seconded by Mr. Kauber. The Commission voted 6-0-1 in favor of the motion. (Wolf, Gilmer, Shipman, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Mr. Ruska presented a map showing the subject property and surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Charlie Melvin, 300 North Greene Street, attorney representing Carolland Corporation, stated they have a contract to buy the subject property. He asked that one other condition be added.

- 2) At least one street will be stubbed along the southern property line at a location agreed upon by Greensboro Department of Transportation.

Mr. Kauber moved the above condition be accepted, seconded by Mr. Gilmer. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

Attorney Melvin said this would be a single family detached subdivision. He referred to an outline of the property showing a conceptual configuration of the streets, etc., proposed with one street stubbed to the south and one street stubbed to the north and access to the subject property from McKnight Mill Road. He said there were challenges with this property, but none the developer felt could not be overcome. Representatives of Carolland undertook contacting people residing in the area, both before and after the application was filed. To his knowledge, no inquiries had been received concerning development of this property.

Al Leonard said he worked with Carolland Corporation and explained their vision for this development.

There being no one to speak in opposition to this request, the public hearing was closed.

Mr. Hails said this proposal was within the Moderate Residential classification on the Generalized Future Land Use Map (GFLUM) of the Comp Plan. It was also consistent with numerous Comp Plan policies promoting mixed income neighborhoods and the like. He noted that there were traffic improvements pledged as well and staff would recommend approval of the request.

Mr. Gilmer moved favorable recommendation for an ordinance establishing original zoning of CD-RS-5 for property on the west side of McKnight Mill Road, seconded by Ms. Shipman. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Haynes, Spangler. Nays: None. Abstain: Byrd.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF BYERS ROAD SOUTH OF LEES CHAPEL ROAD AND EAST OF LAUREL LEE TERRACE – FOR WILEY A. SYKES, III. (APPROVED)

Mr. Ruska presented a map showing the subject property and surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Wiley A. Sykes, III, 3506 Kirby Drive, said they had a modest proposal, rezoning the subject property from RS-12 to RS-9. They own adjacent property on the other side of Byers Road, a portion of which was recently rezoned from RS-12 and LI to RS-9. They felt their development would be compatible with what was in the community or was under development in the community now. They had sent letters to all the neighbors, asking for input from them. They received no response. This was infill property that they thought agreed with the City's 2025 Plan for overall density of three to five units per acre.

There being no one to speak in opposition to this request, the public hearing was closed.

Mr. Hails said staff also noted that, as mentioned by the applicant, this area was designated Low Residential in the Comp Plan and the proposal supports policies of the Plan, such as mixed income, diversification of housing stock, and it is located in a transition area where urban-type densities were moving out toward the City Limits. Staff would recommend approval of the request.

Mr. Gilmer moved an ordinance rezoning from RS-12 to RS-9 for property located on Byers Road, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

C. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED UNDER LIMITED BUSINESS ZONING EXCEPT: A) CONVENIENCE STORES WITH FUEL PUMPS; B) SERVICE STATIONS, GASOLINE; C) AUTOMOTIVE PARKING (SUB TO SEC 30-5-3.5); D) TEMPORARY CONSTRUCTION OFFICE; E) RECYCLING COLLECTION POINT; F) BUILDING SUPPLY STORES (NO OUTSIDE STORAGE); G) SATELLITE DISHES/TV & RADIO ANTENNAE TOWERS. 2) A SIDEWALK WILL BE INSTALLED ALONG THE SPRING GARDEN STREET FRONTAGE OF THE PROPERTY. 3) ONLY STRUCTURES OF PRIMARILY MASONRY CONSTRUCTION WILL BE ERECTED. 4) NO DRIVE-THRU SALES OR SERVICES WILL BE PERMITTED. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION OF SPRING GARDEN STREET AND MCMANUS STREET – FOR KOTIS PROPERTIES. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Jeff Nimmer said he was with Kotis Properties, 1500 Mill Street. He passed out handouts for the Commission's consideration. He explained the contents of the handouts and said this block was zoned for a number of different commercial uses. They participated in several charettes during the summer on the formation of a land use plan for Lindley Park, which was adopted by Council last month. They met with the Lindley Park Neighborhood Association separately to discuss their concerns. They addressed the LPNA's concerns through conditions. They felt the CD-LB zoning was in keeping with the other neighborhood zonings.

Mr. Nimmer and Mr. Hails answered questions from the Commissioners.

There was no one present to speak in opposition to this request.

Mr. Hails said, as noted, the Comp Plan made several comments about the site; however, staff felt that the Lindley Park Neighborhood Plan was more detail specific, calling for mixed use - commercial in the GFLUM of that plan, which was compatible with the request. Staff also noted other trends in the area that seemed to support this type of business development and zoning. They think the conditions attached to it aided in compatibility with the neighborhood and surrounding area. Staff would recommend approval.

Mr. Byrd moved an ordinance rezoning from RM-18 to CD-LB, subject to conditions, for property located at the intersection of Spring Garden and McManus Streets, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

D. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY AND RS-5 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITION: 1) USES LIMITED TO MULTIFAMILY DWELLINGS, INCLUDING CONDOMINIUMS, NOT TO EXCEED 15 UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF NORTH ELM STREET OPPOSITE THE INTERSECTION WITH FLORENCE STREET AND WEST OF MAGNOLIA STREET – FOR JOHN STRATTON. (UNFAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

John Stratton, 2 Elmridge Lane, said he was an experienced developer in doing historic projects, in both the historic districts and Downtown Greensboro. He said this current project would be an infill project that would work and be in keeping with the neighborhood. He quoted Russ Clegg, president of the Fisher Park Neighborhood Association: "We are actively working to make Fisher Park visually cohesive at our entrances and throughout the neighborhood. We are learning how to preserve our houses as we face more commercial rezoning attempts and how to attract and integrate new businesses into our neighborhood. Ultimately, we must preserve our houses and our neighborhood atmosphere while moving forward with Downtown and Greensboro. We need to show how to protect our history, not just with regulations, but by making an older neighborhood work for the next generation." He said this project received favorable support from the Fisher Park Neighborhood Association Board.

Mr. Stratton said he wanted to add several conditions to the rezoning request:

2. Site lighting will be designed in a manner as to eliminate direct illumination onto adjacent properties. Site lighting standards and fixtures will not exceed 20 feet in height anywhere within the development.
3. All trash handling and service areas within the development will be screened from public view by way of screen walls and doors.
4. Sidewalks meeting City of Greensboro standards, will be constructed by developer along the side of the property to replace existing walkway to Magnolia Court.
5. A buffer along the property at Magnolia will be at least as great as the existing planting yard, but the developer will try to achieve an area of 20 feet wide.
6. Landscaping in all buffer areas will be double the required landscape planting as required by ordinance.
7. No access will be provided to Magnolia Court.
8. A wood fence will be provided between property and all residential zoned properties.

Mr. Gilmer moved that the applicant's request be amended to add Conditions 2 through 8, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

Mr. Stratton said most of the opposition was to rezoning the RS-5 portion on Magnolia Court. Even though the Magnolia Court lot was zoned RS-5 and was originally fronting on Magnolia Court, it had not been a residential lot nor supported a single family house in over 40 years. It had really been the back of 624 North Elm Street and was being used as a playground area for the daycare center that operated until recently. The last house on this site was uninhabitable, was a danger to the neighbors and was torn down by the City in the late 1960s or early 1970s and had never been used as a residential lot since. He went over the concerns of the Neighborhood Association and said most of them had been addressed by the conditions. The back of the building that would be facing Magnolia Court would look very residential in style. Because that building was only two-story in the rear and because it was only about 3,000 square feet, it would be no larger than a residential house in itself. The driveway and dumpster would be on the north side, away from Magnolia Court.

Russ Clegg, 706 Magnolia Street, said he was speaking on behalf of the Fisher Park Neighborhood Association. They would thank Mr. Stratton for meeting with them several times. The Board's vote was in favor of the rezoning, with the conditions stated. Since the time of that vote, a neighbor wrote an email to the Board and asked the Board to reconsider their position based on the fact that the Board did not get enough neighborhood input before making its decision. The neighbors didn't have a problem with the North Elm Street rezoning, but as far as 2 Magnolia Court, they would like to make a distinction there and either revisit that issue or leave it as it was, a lot for a single family home.

Mark Rosenbaum, 620 North Elm Street, said he thought that this project would be a valuable addition to Fisher Park. If this project does not go forward, he thought Fisher Park would have missed a good opportunity to move ahead.

Richard Gabriel, Esq., 214 Commerce Place, represented the present owners of Fisher Park Academy land. They had chosen Mr. Stratton to develop this land because of his track record. This was a residential infill that he thought, from the standpoint of the Historical Association, should be very desirable.

Speaking in opposition were Carol Stoneburner, 5 Magnolia Court (who presented a petition from the neighborhood, particularly residents of Magnolia Court and Magnolia Street); Sidney Stern, 4700 Westfield (who spoke on behalf of his sister who owned 4 Magnolia Court); Rick Luebke, 1115 Virginia Street; John Stoneburner, 5 Magnolia Court; Chloe Lee, 707 Magnolia Street (spoke on behalf of her parents); Denise Landi, 606 Magnolia Street; Jim Jeffries, 710 Magnolia Street; Gary Richardson, 110 South Park Drive (corner of South Park Drive and Magnolia Street); Kathryn Weaver, 2304 Princess Ann Street, owner of 4 Magnolia Court; and Ann Stringfield, 1005 North Eugene Street.

Some of the opponents gave histories of Magnolia Court; others expressed opposition such as: Mr. Stratton would not protect Magnolia Court; multifamily zoning was not needed in Fisher Park; the early 20th Century character of Fisher Park should be preserved; this project would destroy the tranquility of this neighborhood; it would discourage investment in restoring homes supporting the historic district; the decision of the Neighborhood Board was not supported by the neighborhood; the project would destroy the character of Magnolia Court.

In rebuttal, Mr. Stratton said all but three of the speakers opposing this rezoning were Magnolia Street or Magnolia Court residents. At the Fisher Park Neighborhood Association Board, there were approximately 15 persons present, approximately 10 of them being Board members, and only one of the Board members voted against this rezoning. The conditions put on the application were enforceable and he thought staff would back that up. The former house on 2 Magnolia Court was torn down because it was dilapidated, falling down, unoccupied and was torn down for the safety of all those around it. This multifamily project was not a precedent; there were many multifamily projects in Fisher Park that work and add value to the Fisher Park Neighborhood. He then answered questions posed by the Commissioners.

In rebuttal for the opponents, Sidney Stern said the rental house that had been questioned had been rented to a physician who was a better tenant than most people would have been as an owner.

Russ Clegg said he was speaking on behalf of himself, as a private citizen, and not on behalf of the Neighborhood Board. He pointed out that the crux of this rezoning was that there were two lots there. Essentially this project would be taking one single family detached zoned lot out of the stream of 12 and using it for a high density purpose.

Richard Gabriel said he was told by the residents of Magnolia Court that the sidewalk actually belonged to the properties along Magnolia Court and was not part of the Elm Street parcel. The homes at 4 Magnolia Court and 705 Magnolia Street were only 10 feet from the property lines.

Mr. Hails said this had been a difficult case to evaluate and he was sure it was not easy for the Commission as well. He was glad to see residents actively involved in debate about their neighborhood and he also appreciated the efforts of developers to try and propose compatible,

high quality design in these older neighborhoods. Those were really what made for long range, healthy neighborhoods in Greensboro. First, he wanted to make sure that everyone was sure about the fairly complicated interaction of the base zoning and the overlay zoning in this case. Because it was in a historic district, this rezoning had to go on to City Council for final action, so the Commission will only make a recommendation. Because it was in a historic district and there was a rezoning proposed, it had to go to the Historic Preservation Commission for an initial recommendation based primarily on the context and site issues. They were not giving approval like they might have to do at a later point for the actual design of the buildings. If the rezoning were successful and the proposal moved ahead, the developer would have to go back to the Historic Preservation Commission for a Certificate of Appropriateness.

This Commission was primarily being asked to look at the intensity, the land uses and the scale. These were most important in the Commission's decision and the staff's recommendation as well. The site layout proposed by the applicant at this point was illustrative for this Commission's purposes; it was not attached as a condition of the proposal. There were numerous other conditions attached that certainly were relevant to the compatibility of the proposal. The Comp Plan calls this area Mixed Use Residential; mixed uses as in multifamily and single family and office and institutional uses. There was no specific residential density assigned in the Comp Plan to this land use classification. Also worth noting was Mixed Use Central Business District, a nearby land use classification to the south. The proposal certainly was responsive to various concerns about reinvestment and infill, mixed income housing types and under utilized properties. He thought the merits of the case really relied in the scale and the intensity of the request. It was also worth noting that the existing zoning on the site permits multifamily development at 12 dwelling units per acre, but also allows new office development.

The context of the proposal was probably the most telling information since the Comp Plan does not give the Commission clear, absolute guidance on this. It was located along a major thoroughfare. A key question is Where does the residential neighborhood start and stop? There was certainly more residential behind these properties, on the properties not facing on North Elm Street. There was office zoning on the two adjacent properties. The requested zoning at 26 units per acre was more than twice the current permitted density and the residential density permitted on the two adjoining tracts. He stated they were most concerned about the part of the request on Magnolia Court, similar to many of the comments the Commission heard. However, staff cannot sever or modify the request; staff had to make a recommendation on the request as it stood. As such, due to the above stated concerns, staff recommended denial of the request.

After some discussion Ms. Shipman moved an ordinance rezoning from GO-M and RS-5 to CD-RM-26, subject to conditions, for property on North Elm Street and Magnolia Court, seconded by Mr. Byrd.

Chair Wolf said there was a motion on the table by Ms. Shipman, seconded by Mr. Byrd. The Commission voted 0-7 in denial of the motion. (Ayes: None. Nays: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler.)

Chair Wolf declared a 10-minute break.

- E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF FOUST ROAD OPPOSITE THE INTERSECTION WITH FEWELL ROAD AND WEST OF TROXLER ROAD – FOR LARRY CASSELL. (WITHDRAWN)**

This request was withdrawn at the beginning of the meeting.

- E. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION OF EAST BESSEMER AVENUE AND NORTH CHURCH STREET – FOR JOHN K. MANDRANO. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

John Mandrano, 5514 Mecklenburg Road, said the image shown was a quad-plex. His property was to the right of that and was a corner lot property. The house on his property had been a divided duplex property for quite some time. It currently had two gas meters there. He intended to add an electrical meter so that both units would have a separate meter, which would prevent overload of the electrical system. He felt this would be increasing the density for Downtown that would follow the Comp Plan. The subject property had always been a two-unit property, but services had not been split.

Russ Clegg, 706 Magnolia Street, said the Fisher Park Neighborhood Association was in favor of the rezoning.

Mr. Hails said staff felt comfortable with this request, felt it was generally supported by the Comp Plan and its policies, and recommended approval.

Mr. Haynes moved an ordinance rezoning from RS-7 to RM-18 property located at the intersection of East Bessemer Avenue and North Church Street, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

- G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING PUBLIC AND INSTITUTIONAL TO CITY ZONING PUBLIC AND INSTITUTIONAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF HICONE ROAD AND WEST SIDE OF MCKNIGHT MILL ROAD EAST OF US 29 NORTH (5140 DUNSTAN ROAD & 4308 HICONE ROAD) – FOR THE PLANNING DEPARTMENT. (WITHDRAWN)**

This request was withdrawn at the beginning of the meeting.

- H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING GENERAL OFFICE MODERATE INTENSITY – FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST**

**INTERSECTION OF HICONE ROAD AND JASON ROAD (4601 HICONE ROAD) –
FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

- L. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING
CONDITIONAL USE – SHOPPING CENTER WITH THE FOLLOWING CONDITIONS:
1) USES: NEIGHBORHOOD SHOPPING CENTER; 2) BERM AT NORTHWEST
CORNER OF THE PROPERTY AS SHOWN ON SITE PLAN; 3) STORMWATER
CONTROL POND AT SOUTHWESTERN CORNER OF THE PROPERTY AS SHOWN
ON SITE PLAN; 4) TWENTY-FIVE (25) FOOT SCREENING BUFFER AREA ALONG
THE WESTERN LINE OF THE PROPERTY AS SHOWN ON SITE PLAN; 5) TEN (10)
FOOT PLANTED BUFFER ALONG HICONE ROAD AND RANKIN MILL ROAD. - TO
CITY ZONING CONDITIONAL DISTRICT – SHOPPING CENTER WITH THE
FOLLOWING CONDITIONS: 1) USES: NEIGHBORHOOD SHOPPING CENTER; 2)
BERM AT NORTHWEST CORNER OF THE PROPERTY AS SHOWN ON SITE
PLAN; 3) STORMWATER CONTROL POND AT SOUTHWESTERN CORNER OF
THE PROPERTY AS SHOWN ON SITE PLAN; 4) TWENTY-FIVE (25) FOOT
SCREENING BUFFER AREA ALONG THE WESTERN LINE OF THE PROPERTY AS
SHOWN ON SITE PLAN; 5) TEN (10) FOOT PLANTED BUFFER ALONG HICONE
ROAD AND RANKIN MILL ROAD. - FOR A PORTION OF THE PROPERTY
LOCATED AT THE SOUTHWEST INTERSECTION OF HICONE ROAD AND RANKIN
MILL ROAD (4632 – 4638 HICONE ROAD) – FOR THE PLANNING DEPARTMENT.
(FAVORABLE RECOMMENDATION)**
- J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING
CONDITIONAL USE – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS:
1) USES: ALL USES PERMITTED IN THE LB LIMITED BUSINESS DISTRICT
EXCEPT THE FOLLOWING USES: (A) CONVENIENCE STORE (WITH OR WITHOUT
GAS); (B) SERVICE STATION, GASOLINE; (C) LANDFILL; (D) JUNK MOTOR
VEHICLES; AND (E) BILLIARD PARLORS, BINGO GAMES, OR SPORTS BARS. 2)
DEVELOPMENT IN ACCORDANCE WITH ZONING SKETCH PLAN. - TO CITY
ZONING CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING
CONDITIONS: 1) USES: ALL USES PERMITTED IN THE LB LIMITED BUSINESS
DISTRICT EXCEPT THE FOLLOWING USES: (A) CONVENIENCE STORE (WITH OR
WITHOUT GAS); (B) SERVICE STATION, GASOLINE; (C) LANDFILL; (D) JUNK
MOTOR VEHICLES; AND (E) BILLIARD PARLORS, BINGO GAMES, OR SPORTS
BARS. 2) DEVELOPMENT IN ACCORDANCE WITH ZONING SKETCH PLAN. - FOR
A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION
OF HICONE ROAD AND RANKIN MILL ROAD (2036 – 2044 RANKIN MILL ROAD) –
FOR THE PLANNING DEPARTMENT.
(FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject properties and surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

K. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-30 RESIDENTIAL SINGLE FAMILY AND AGRICULTURAL TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF ECKERSON ROAD NORTH OF BUTTERFIELD DRIVE AND WEST OF STONE QUARRY ROAD (5722 ECKERSON ROAD) – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Speaking in opposition to Item K, Gale Williamson, 5722 Eckerson Road, said her home was a single family residence on approximately 10½ acres. They have a 2½-story horse barn in their backyard and a good portion of their property was pasture behind it. Their neighbor to the north was the Hicone Quarry. Due to the noise from the quarry, she could not imagine their property ever being developed in the current environment. She asked that the Commission allow their property to remain zoned as it was. They did sign a petition for water in 1998.

Chair Wolf said the only issue before the Commission was, if this property were annexed by City Council, what would be the correct zoning.

Mr. Hails advised that from this Commission, this matter would go before City Council on its November 1 agenda along with the annexation, at which time Ms. Williamson could come and speak on both matters.

Also speaking in opposition to Item K was Dewey Whitley, 4414 Stone Quarry Road. He said he would like to keep their country setting. His family leases the stone property to Martin-Marietta.

There being no other speakers on these four items, the public hearing was closed.

Mr. Hails said staff recommended approval of all four of the requests.

As to Item H, Mr. Gilmer moved favorable recommendation of an ordinance establishing original zoning from County Zoning Agricultural to City Zoning General Office Moderate Intensity, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

As to Item I, Mr. Gilmer moved favorable recommendation of an ordinance establishing original zoning from County Zoning Conditional Use - Shopping Center with conditions to City Zoning Conditional District - Shopping Center, subject to conditions, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

As to Item J, Mr. Gilmer moved favorable recommendation of an ordinance establishing original zoning from County Zoning Conditional - Limited Business with conditions to City Zoning Conditional District - Limited Business, subject to conditions, seconded by Mr. Haynes.

The Commission voted 7-0 in favor of the hearing. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

As to Item K, Mr. Gilmer moved favorable recommendation of an ordinance establishing original zoning from County Zoning RS-30 and Agricultural to City Zoning RS-12, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Shipman, Kauber, Byrd, Haynes, Spangler. Nays: None.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails said staff had sent out to the Commissioners the 2005 Zoning Commission agendas on two sheets. They had the regular second Monday of the month shown on one and the potential joint meeting calendar on the other. He also wanted to remind the Commission that the first joint public hearing was scheduled for November 8, so the Commission will come in on the regular day in November. There will only be one item for the joint meeting. There will be a joint staff presentation, a joint public hearing, and deliberations by the Planning Board on the Plan Amendment portion followed by deliberation by the Zoning Commission and a recommendation on the zoning portion. Once that matter is decided, there would be a brief recess, the Planning Board members would leave and the Zoning Commission will continue with its regular agenda after that point.

Mr. Ruska said on the day of the joint meeting, the Zoning Commission will have five regular zoning requests that the Commission would be dealing with during the regular meeting.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

None.

ACKNOWLEDGMENT OF ABSENCES:

The absences of Mr. Collins and Mr. Schneider were acknowledged.

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There being no further business before the Commission, the meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps